

FORTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, Nov. 1, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Ford, Fountain, Mills, Pridgen, Pyle, Saylor and Mr. President.

Absent, excused—Senators Hertzberg and Pickett.

Pending the reading of the journal of yesterday, Senator Mills requested that it be so corrected as to show that the House had been informed of the action of the Senate in appointing a conference committee, consisting of Senators Saylor, Bowers and Pettit, upon House bill No. 776, "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871."

The journal was corrected as requested, and on motion of Senator Gaines the further reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Judiciary Committee :

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 509, entitled "An act to amend 'an act prescribing the mode of proceeding in the district courts, in matters of probate,' approved August 15, 1870," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 18, entitled "Joint resolution proposing an amendment to article nine of the Constitution of the State of

Texas," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

Reports read and laid over under the rules.

BILLS ON SECOND READING.

Senate bill No. 334, to be entitled "An act to encourage the holding of industrial fairs by exempting certain property from taxation." Read second time.

Senator Gaines moved to amend by striking out section one.

Senator Bell moved to lay the bill upon the table.

Yeas and nays called for, and the motion to lay on the table lost by the following vote:

Yeas—Baker, Bell, Dillard, Gaines, Hillebrand, Rawson, Swift, Tendick—8.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Ruby, Saylor, Shannon—15.

Senator Gaines moved the indefinite postponement of the bill.

Yeas and nays called for, and the motion to indefinitely postpone lost by the following vote:

Yeas—Baker, Bell, Dillard, Gaines, Hall, Hillebrand, Rawson, Shannon, Swift—9.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—16.

Senator Pettit moved the engrossment of the bill.

Yeas and nays called for, and the bill ordered engrossed by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—16.

Nays—Baker, Bell, Dillard, Gaines, Hall, Hillebrand, Rawson, Shannon, Swift—9.

Senate bill No. 347, "An act to incorporate the Houston Dollar Savings Bank," read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were suspended, and Senate bill No. 347 read third time and passed.

Senate bill No. 263, "An act to provide for the taking care of sick or disabled persons in the employ of railroad companies or their contractors," read second time.

On motion of Senator Mills, Senate bill No. 263 was rejected.

10 o'clock A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 395, "An act in relation to the registration of voters," on motion of Senator Ruby, Senate bill No. 395 was re-committed to the Committee on State Affairs.

UNFINISHED BUSINESS.

House bill No. 453, "An act to authorize the amendment of affidavits and bonds in certain cases."

The question being upon the motion to reconsider the vote by which the Senate refused to pass the bill, the yeas and nays were called for and the motion to reconsider was carried by the following vote :

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Ford, Gaines, Hall, Latimer, Pridgen, Pyle, Ruby, Saylor, Swift, Tendick—15.

Nays—Bell, Broughton, Dillard, Douglas, Evans, Hillebrand, Mills, Pettit, Rawson, Shannon—10.

Senator Pridgen moved to recommit the bill to the Judiciary Committee.

Yeas and nays called for, and the motion to recommit lost by the following vote :

Yeas—Bell, Broughton, Dillard, Douglas, Evans, Ford, Hillebrand, Mills, Pettit, Pridgen, Rawson, Shannon—12.

Nays—Baker, Bowers, Cole, Dohoney, Flanagan, Gaines, Hall, Latimer, Parsons, Pyle, Ruby, Saylor, Swift, Tendick—14.

Senator Baker moved the passage of the bill.

Yeas and nays called for, and the Senate refused to pass the bill by the following vote :

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Ford, Gaines, Hall, Latimer, Pyle, Ruby, Saylor, Swift—13.

Nays—Bell, Broughton, Dillard, Douglas, Evans, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Shannon, Tendick—13.

MESSAGES.

Message from the House by the Chief Clerk, Mr. Gallant, returning the following Senate bills, with information that the House had passed the same without amendment: Senate bill No. 4, "An act to incorporate the Island City Gas Company;" Senate bill No. 453, "An act to authorize and incorporate the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad;" Senate joint resolution No. 36, "Joint resolution instructing and requesting our

Congressional delegation to urge upon Congress the reimbursement to cotton raisers of the cotton tax imposed upon the products of the soil by act of Congress of 1864, 1866 and 1867 ;" Senate bill No. 525, "An act supplemental to an act entitled an act to amend an act entitled 'an act to incorporate the Bank of Cleburne,' approved September 30, 1871."

Also, with amendments, Senate bill No. 454, "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company ;" and informing the Senate that the House had appointed as committee of conference on House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," Messrs. Evans, Johnson Zoeller, McLean and Booty, to confer with a like committee on the part of the Senate.

Under direction of the President *pro tem*, the Secretary returned to the House, House bill No. 121, "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," and informing the House that the Senate had passed the same with amendment. And had passed without amendment House bills as follows: House bill No. 42, "An act to incorporate the Houston Water Works Company ;" House bill No. 57, "An act to incorporate the Philosophonian Society of Trinity University ;" House bill No. 118, "An act to incorporate the Excelsior Real Estate and Building Association ;" House bill No. 209, "An act to incorporate the Richmond Relief Dramatic Club of Richmond, Fort Bend county ;" House bill No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River ;" House bill No. 325, "An act to authorize M. A. Tucker to erect a toll bridge over Big Creek, near the Limestone and Falls county line ;" House bill No. 326, "An act to authorize M. A. Tucker to erect a toll bridge over Christman creek, in Limestone county, Texas ;" House bill No. 421, "An act to create the county of Tegener ;" House bill No. 9, "An act to incorporate the McKinney Academy Association ;" House bill No. 10, "An act to provide for transcribing the surveyor's records ;" House bill No. 207, "An act to incorporate the Central Texas Agricultural and Mechanical Association."

Also, informing the House that the Senate agrees to the following House amendment to Senate bill No. 460, "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas," to-wit: in section five, last line, strike out "two" before the word "hundred" and insert the word "one,"

and requesting the return of Senate bill No. 523, "An act to incorporate the Houston Turn Verein," for the purpose of reconsideration by the Senate.

BILLS ON SECOND READING—Resumed.

Senate bill No. 331, "An act to incorporate the Galveston Trunk Railroad Company." Read second time.

On motion of Senator Gaines the report of the Committee on Internal Improvements, recommending that the Senate refuse to pass the bill, was adopted.

Senate bill No. 322, "An act to incorporate the Austin Water Power Company." Read second time.

Senator Bowers moved to refer the bill to a select committee of three. Carried.

The Chair appointed as such committee Senators Bowers, Pridgen and Baker.

Senate bill No. 352, "An act to relinquish to the county of Ellis the State taxes for the year 1871 to 1872, for the purpose of completing a court house and building a jail." Read second time.

On motion of Senator Dohoney the bill was indefinitely postponed.

On motion of Senator Pyle the Senate reconsidered the vote by which the bill was indefinitely postponed.

On motion of Senator Saylor the report of the Committee on State Affairs, recommending that the Senate refuse to pass the bill, was adopted.

Senate bill No. 350, "An act to incorporate the Galveston and Brazos Navigation Company, approved February 8, 1850, chapter one hundred and thirteen, and to amend an act approved December 2, 1850, chapter thirty-one, and to change the title of the first named act to 'an act to incorporate the Galveston, Sabine, Corpus Christi and Rio Grande Navigation Company, and to provide aid for the construction of the canal herein contemplated by the State of Texas and by the counties, cities or towns, interested therein.'" Read second time, and on motion of Senator Mills recommitted to the Committee on Internal Improvements.

Senate bill No. 335, "An act supplementary to 'an act to incorporate the Huntsville Branch Railway Company,' approved April 4, 1871." Read second time, and on motion of Senator Mills, laid on the table.

Senate bill No. 376, "An act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur." Read second time, and on motion of Senator Gaines, the following amendment,

reported by the Committee on Roads, Bridges and Ferries, was adopted:

Amend by striking out, in section five, the words "and shall pay to said counties of Upshur and Smith an annual tax not to exceed fifty dollars to each of said counties."

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Gaines, the rules were suspended, and Senate bill No. 376 was read third time and passed.

Senate bill No. 333, "An act to incorporate the Mississippi and Rio Grande Canal Company." Read second time, and on motion of Senator Ruby, was recommitted to the Committee on Internal Improvements.

Senate bill No. 381, "An act to incorporate the Bastrop Ferry Company." Read second time, and on motion of Senator Pettit, the following amendment, reported by the Committee on Roads, Bridges and Ferries, was adopted:

Amend by striking out the word "police," in section four, line five, and insert in lieu thereof the word "county."

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Pettit the rules were suspended and Senate bill No. 381 read third time and passed.

Senate bill No. 363, "An act changing the boundary line between Comal and Guadalupe counties." Read second time, and on motion of Senator Baker was recommitted to the Committee on Counties and County Boundaries.

Senate bill No. 315, "An act to repeal sections thirty-seven, thirty-eight and thirty-nine of an act of the Twelfth Legislature, entitled 'an act to organize the courts of justices of the peace, and to define their jurisdictions and duties, and to provide for the election of county attorneys, and to define their duties and powers.'" Read second time, and on motion of Senator Pettit was indefinitely postponed.

Senate joint resolution No. 22, "Joint resolution to amend article one, section twenty, of the State Constitution." Read second time.

Senator Gaines moved to indefinitely postpone the resolution.

Senator Gaines moved a call of the Senate. Call sustained.

Absent—Senator Fountain.

Absent, excused—Senators Hertzberg, Pickett, and Mr. President.

On motion of Senator Ford, the call was suspended.

Senator Ruby moved to lay Senate joint resolution No. 22 on the table.

Yeas and nays called for, and motion to lay on the table carried by the following vote:

Yeas—Baker, Bell, Flanagan, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tensdick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Latimer, Pyle, Shannon, Swift—11.

Senate bill No. 207, to be entitled "An act concerning proceedings in the district court in certain cases." Read second time.

On motion of Senator Pettit, the report of the Judiciary Committee, recommending that it do not pass, was adopted.

Senate bill No. 291, to be entitled "An act to authorize a change of venue in causes pending in the district courts pertaining to estates of deceased persons and guardianship." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Dohoney, the rules were suspended, and Senate bill No. 291 was read third time and passed.

Senate bill No. 188, "An act to provide for the digesting and codification of the statutes of the State, civil and criminal."

On motion of Senator Bell, the report of the Judiciary Committee, recommending that it do not pass, was adopted.

Senate bill No. 524, "An act to incorporate the Point Isabel Company."

12 o'CLOCK M.

Pending the consideration of Senate bill No. 524, the hour arrived for the consideration of the special order of to-day, House bill No. 99, "An act to incorporate the Cleburne and Cross Timber Railway Company."

On motion of Senator Broughton, the special order was postponed until the matter under consideration was disposed of.

Consideration of Senate bill No. 524 resumed. Bill read second time.

On motion of Senator Broughton, the first section was amended by inserting the name of Chas. Worthington as one of the incorporators. Bill ordered engrossed, and passed to a third reading, as amended.

Senator Broughton moved to suspend the rules to read the bill the third time. Motion to suspend the rules lost.

POSTPONED SPECIAL ORDER—Resumed.

House bill No. 99 read second time.

Senator Gaines moved to strike out section three. Lost.

Pending further consideration of the bill, on motion of Senator Baker the Senate, at 12:40 P. M., adjourned to 10:30 A. M. tomorrow.